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REGISTER OF ALL HALLOWS, DUBLIN. IR. ARCH. SOC., 1845, p. 72.

A Convention between the Prior of the Convent of All Hallows & Adam Long, of the town of Wicklow, the latter giving “*illam placeam edificatam quam dictus Adam emit de Galfrido le Archer.*”

Dated 15 Hen. III. (28 Oct., 1230, to 27 Oct., 1231).

HERALD AND GENEALOGIST,

Manor of Bitton, Gloucestershire.

The Manor of Oldland was, in 1275, held by Gilbert de Clare, while David le Blund & Stephen de la More held Bitton.

From the *Clares* it passed to the Earls of *Stafford*. Inq. P. M., 10 Ric. 2. The dependency of Bitton—Hanham—was, after the Domesday record, held by Salso Marisco (Saltmarsh). In 1287 J. de S. M. founded his title to it on a charter of Robert Harding (ancestor of the Earls of Berkeley), to Robert Hanham, (ancestor of Saltmarsh).

After the year 1327 John Brittain occupied Bitton Court, as a tenant. In a *quo warranto*, 15 Edw. I., it is shown that Rob^t D'Amnerville had two daughters, both named Petronilla. The younger married W^m de Putot, Sheriff of Gloucester, 1222 to 1228, Warden of the Stanaries, Cornwall, and of the Bristol Coast; the other Petronilla married Nicholas de Oxhaye.

SOME ADDITIONAL FACTS AS TO THE MARRIAGE OF JAMES, VISCOUNT THURLES, AFTERWARDS DUKE OF ORMONDE, AND THE LADY ELIZABETH PRESTON.

BY THE REV. JAMES GRAVES, A.B., M.R.I.A.

SINCE the printing of a Paper on the “Early Life and Marriage of James, First Duke of Ormonde” in the “Journal” (vol. IV., new series, p. 276), the publication of the Calendar of the Irish Patent and Close Rolls of Chancery enables me to give some further particulars of the marriage of the Lady Elizabeth Preston with Lord Thurles, fully confirmatory of Carte's statement that the ceremony was far from being clandestine, and had the full consent of King Charles the First.

On the death of her father, the Earl of Desmond, the King, by his Letter, under the Privie Seal, to the Lord Deputy Falkland, dated February 9th, 4 Chas. I. (1628), took under his special protection the Countess of Desmond, and her daughter and sole heir—the Lady Elizabeth Preston; and when the Countess died, another Royal Letter was issued to the Lord Deputy, dated April 9th following, which thus commences:—

“ We have, in our princely wisdom, considered in what misery and distress the young Lady Elizabeth Preston is, by the unhappy death of her parents, our faithful servant and dear cousin, Richard, Earl of Desmond, and the Lady Countess, his wife, likely to fall into and undergo ; being young, and having somewhat an unsettled estate, and not many friends to take care of her and her estate.”

And then takes both the person and property of the orphan “ unto our princely protection and care.” It would appear, from another Royal Letter, dated April 30th, that there was some difficulty in proving her age, and in making her a Ward of the Crown ; and, finally, there is on record a Royal Letter, dated September 30th, in the same year, which supplies undoubted evidence that the marriage took place with the full consent of the Crown, for it was this Letter Patent which discharged the bond of £1,000,000, which Walter, Earl of Ormond, had been compelled by James I. to give to Preston, Earl of Desmond, and his wife, with forfeiture in case he refused to abide by the Royal award, and which had been by Preston assigned over to that King—the consideration of the said discharge being stated in the following words :—

“ We, graciously intending to make a marriage between James, Viscount Thurles, grandchild and heir of the said Earl of Ormond and Ossory, and the Lady Elizabeth Preston, daughter and heir of the late Earl of Desmond and the Lady Elizabeth his wife ; and we having, by our Letters Patent, granted the custody of the body, and marriage, and wardship of the lands of the Lady Preston to the Earl of Ormond and Ossory.”—*See Morrin's “ Calendar of the Patent and Close Rolls of Ireland,”* Charles I., pp. 435, 461, 467, and 499.

In the Evidence Chamber, at Kilkenny Castle, amongst the Ormonde muniments is preserved the following “ true copy ” of the Articles of Agreement between the parties, which preceded this grant of the Crown :—

“ Articles of Agreem^t indented and made and concluded vpon the xxvith day of August, Anno Dōni 1629, and in the 5th yeare of the raigne of o^r sou^raigⁿe Lo. King Charles by the Grace of God &c, Betweene the right hono^rable Henry Earle of Holland, Edmond Earle of Mulgrave, and the Lady Elizabeth Preston, daughter and heir of Richard, late Earl of Desmond, and the Lady Elizabeth his wife, sole daughter and heire of The late Earle of Ormond and Ossory, deceased, of the one p^tie, and the right hono^rable Walter Ea. of Ormond and Ossory, and James Lo. Visc. Thurles, grandchild and heir apparent of the said Earle, of the other partie, in manner and forme following :—

“ Imprimis.—It is concluded and agreed vpon by and betweene the

said p'ties to these p'sents that for as much as neither the estate, manoⁿ, and lands of the Earledome of Ormond and Ossory, nor of the Lady Elizabeth Preston, her manoⁿ and lands, accordinge to the true intent of these following Articles, can be p'fected or settled but in Ireland, that as well the office for entitling the Kinge to the Wardshipp of the body and lands of the said Lady Elizabeth Preston, as the estate, by the general feoffees shal be settled as soone as may be, or att the furthest by the end of next Easter Terme, according to the advice of learned Counsell; and that there shall in the meane time any assurance be given for the solemnizing of the marriage on the Lady Elizabeth's behalfe wth the Lo. Visc. Thurles before the first day of January next ensueinge. And for the better effectinge thereof, the said Earle of Holland doth promise to procure his ma^{ties} royall assent therevnto under his ma^{ties} signature and privie signet.

"It'm.—It is agreed &c. that all those mannoⁿ and lands conveyed at the request of Queene Elizabeth by the said Thomas late Ea. of Ormond and Ossory, to certaine ffeoffees and their heirs, to the use of the said Lady Elizabeth, his daughter, late Countesse of Desmond, and the heirs of her bodie begotten, shal bee settled on the said Lady Elizabeth Preston, and the heires of her body begotten, wth remayndeⁿ accordinge to the estate settled vpon her mother, the said late Countesse of Desmond.

"It'm.—It is agreed &c. that all the mannoⁿ and lands awarded by his late Mat^{ie} Kinge Ja^s of Blessed memorie to the said late Countesse of Desmond, and the heires of her bodie begotten, shal bee settled on the Lady Elizabeth Preston, and the heires males of her body begotten, and for want of such issue to the said Walter Ea. of Ormond and Ossorie, in like manner as other remaindeⁿ of the lands of the said Earledome of Ormond and Ossorie are already limited and settled, onelie such lands are to be excepted mentioned in his late Ma^{ties} Letters, dated in February 1618, which are to be left accordinge to the teno^r of the said Letter, or sufficient prooffe made of the p'ticular contents thereof by the said Earle of Ormond and Ossorie, his heirs or assignes, if the said Lady Elizabeth Preston, or some other p'son or p'sons for her cannot produce a Letter vnder his late Mat^{ies} Royal signature countermaundinge the afforesaid recited Letter.

"It'm.—It is agreed, &c., that the said Walter Ea. of Ormond and Ossorie shall receive the whole rents and p'fits of the said Lady Elizabeth Preston her lands, soe to be conveyed and settled as aforesaid, that hereafter shall grow due from tyme to tyme, vntill the said Lady Elizabeth Preston comes to the adge of sixteen yeares, and then shee is to have and receive the whole rents and p'fits of the whole lands soe to be settled vpon the said Lady Elizabeth Preston as aforesaid, quietly and peaceably, and the said Lady Elizabeth Preston is to have and receive all arrearages of rents now due to her owne use, the said Walter Ea. of Ormonde and Ossorie payinge for the maintenance of the said James Lo. Visc. Thurles, and the said Lady Elizabeth Preston seven hundred pounds of lawfull money of England p^a año yearly; and if the said James Visc. Thurles shall happen to die wthin that tyme, then the said Lady Elizabeth Preston shall have that full allowance to her selfe duringe all the tyme shee

is vnder the said adge of sixteen yeares, the said some of 700^{li} to bee paid halfe yearely by equall porçons, and the first paimt thereof to begin and made out of the rents to grow due att Michaelmas next.

"It'm.—It is agreed, &c., that if the said Lady Elizabeth Preston have noe heire male of her body begotten lieving at the time of her death, then such daughters as shee shall have, as well by the said Lo. Visc. Thurles as by any other husband, shall receive their porçons out of the saide Lady Elizabeth's first mentioned estate and lands wh^{ch} shee hath by descent from her saide Mother, the saide Countesse of Desmond, and they shall equally inherit that land betweene them. And if the said Lady Elizabeth have heires males of hir body begotten by the said James Visc. Thurles, then her own estate and lands aforementioned, and alsoe the lands awarded by his late Ma^{tie} vnto the saide Countesse of Desmond and the heires of hir body, w^{ch} are to be settled on the said Lady Elizabeth Preston & the heires males of hir body begotten, as in the aforesaid third article is mentioned, shalbe alike and equally lyable wth the said Lady Elizabeth Preston's lands for porçons of such daughters as the said Lady Elizabeth shall have by the said Lo. Visc. Thurles, together with such lands of the said Earledome of Ormond and Ossorie as shalbee settled on the said James Lo. Visc. Thurles : but if the said Lady Elizabeth Preston shall have an heire male and a daughter or daughters by any other husband, that then the Lady Elizabeth Preston her owne lands, and the said lands awarded to the said late Countesse of Desmond, shalbee onely lyable to the said Lady Elizabeth Preston her last mentioned daughter's porçons, and if shee have but one daughter, shee to have 3000^{li} currant money of England for her said daughter's porçons, and if shee shall have more daughters, two thousand pounds of like money a peece when they shall attaine to the sev'all adges of fourteene yeares.

"It'm.—It is agreed, &c., that all mann^{rs} lordshippes and lands w^{ch} came any way to the said Walter Ea. of Ormond and Ossory from the said Tho. late Earle of Ormond and Ossorie or his feoffees, and wh^{ch} were not awarded by his Ma^{tie} vnto the said late Countesse of Desmond and the heires of her body begotten as afforesaide shalbee settled to the vse of the said now Earle of Ormond and Ossory for life w^{thout} impeachm^t of wast, wth power to make leases of one and twenty yeares or three lives, reserving the rents now accustomed for the said lands or more, and after to the vse of the said James Visc. Thurles for his life in like manner, the remainder to the vse of the first begotten sonn of the said James Visc. Thurles and his heires males of his bodie begotten, wth like remaind^{rs} to ten other of the said James Visc. Thurles his sonns begotten successively one after another, and to the heires males of their severall bodyes begotten, and for want of such issue the remaindo^r to the heires males of the body of the said Walter Ea. of Ormond and Ossory, with other remaindo^{rs} over accordinge to the intailles of the Earledome of Ormond and Ossorie made by the said Thomas late Earle of Ormond and Ossorie.

"It'm.—It is agreed, &c., that all the lands formerly assured to the now Countesse of Ormond for iointure, as well such as were awarded to the said Countesse of Desmond, as other now in the said Walter Ea. of Ormond and Ossory his possession, shalbee settled on the said Countesse of Ormond duringe her life if shee survive the said Walter Earle of

Ormonde and Ossory, the rev'sion thereof to bee conveyed as the lands of the Earldome of Ormonde and Ossorie [are] to be conveyed as aforesaid.

"Itm.—Its agreed, &c., that all those mano^{rs} and lands w^{ch} were the said Walter Ea. of Ormond and Ossorie his fathers, and w^{ch} have been by the said Earle purchased of others other than from Thomas late Earle of Ormond and Ossorie his ffeoffees, and likewise all these lands w^{ch} were left to the said Walter Earle of Ormond and Ossorie by the said late Ma^{ties} award, are to be left wholly in the disposi^{ti}on of the said Walter Ea. of Ormond and Ossorie for provision of the Lady Elizabeth and the Lady Eleano^r his daughters their por^{ti}on, beinge unmarried, and for the remainder of the por^{ti}on of the Lady Mary and other of the said Earle of Ormonds daughters already married, and for por^{ti}ons for the said Lo. Visc. Thurles his sisters and younger brethern as he shall see cause.

"Itm.—It is agreed, &c., that out of the estates Mano^{rs} and lands of the said Earldome of Ormond and Ossory to be settled as aforesaid in the said James Visc. Thurles and the heires males of his body begotten, there shalbe p^{re}sently vpon the setlinge thereof conveyed to the said James Visc. of Thurles for his maintenance during the said Earle of Ormond and Ossory his life, and for the iointure of the said Lady Elizabeth Preston, out of that estate, one thousand Markes p Ann. currant moneys in England, but the said James L. Visc. Thurles is not to receive any p^{te} of the 1000 markes vntill midsomer 1632 and if the said James Visc. Thurles dye the said Walter Ea. of Ormond and Ossory liveinge, the said Lady Elizabeth Preston is not to have any of the said 1000 markes to bee conveyed unto her for iointure vntill after the said Walter Earl of Ormond and Ossorie his death : and if the now Countesse of Ormond out live the said now Earle hir husband then the said Lady Elizabeth Preston is, duringe, the life of the said Countesse, to have but 500 markes a yeare of like money of the said 1000 markes.

"Itm.—It is agreed, &c., that the said Lady Elizabeth Preston her ffeoffees, if there be any after setlinge of the estate of the Earldome of Ormond and Ossory, shall at the request of the said Walter Ea. of Ormond and Ossory make leases of hir lands for one and twenty yeares vpon improved rents wthout fine, such lands not beinge in Lease allready nor belonginge demeanes to any of the said Lady Elizabeth Preston her chief houses of Kilkenny, Callan and Donmore, but the said Ea. of Ormond and Ossory not to ioine therein.

"Itm.—It is agreed, &c., that the said Walter Ea. of Ormond and Ossory, the debt of fiftene thousand pounds being paid to the said Henry Earle of Holland, shall settle the whole tithes and alltrages w^{ch} he holds in Ireland for diu^{er}se yeares yet to come, the reu^{er}sion in the Crowne, vpon the said James Visc. Thurles, as the mano^{rs} and lands of the said Earldome of Ormond and Ossorie are now settled vpon the said Walter Earl of Ormond and Ossory.

"Itm.—It is agreed, &c., that the said Walter Earle of Ormond and Ossory shall not medle or receive in his possession any of the goods chattles or household stuffs that was the said late Earle and Countesse of Desmond in either England or Ireland, but leave them wholly to the said Lady Elizabeth Preston and such as shee shall appoint either for

paim^t of debts or otherwise as shée in hono^r shall thinke good to dispose of them, and that the goods and cattles, whereof the said late Earle of Desmond died possest of, shall not be removed of or from the houses or lands where the same were kept untill the first day of December next.

"It'm.—It is agreed, &c., that the Castle towne and lands of Dane-fort, and the lands of Bennetts Bridge wth all the Mills and appurtenances therevnto belonging in the County of Kilkenny wth in the said realme of Ireland, w^{ch} are demised by the said Walter Ea. of Ormond and Ossory, Ja. Visc. Thurles, the said Lady Elizabeth Preston, and Ed. Comerford, Survivenge feoffees of the said Earle, vnto Patricke Weymes and Richard Christy Gentlemen, the said Richard late Ea. of Desmond his sisters sonnes, and couzin germen to the said Lady Elizabeth Preston, and their assigns, for the tearme of one and twenty yeares to begin at Easter next, yielding therefore yearly vnto the said Walter Earle of Ormond and Ossory and his heires, for the two first yeares of the said tearme of one and twentie yeares, the sum of one hundred pounds of lawfull money of and in England att the feasts of Michās and Easter or wth in twenty one dayes half yearely, and alsoe yeldinge therefore yearely, for the residue of the said Tearme of one and twenty yeares, one paire of Gloves price xx^s. vnto the said Lady Elizabeth Preston and the heires males of her body begotten, att the feast of Michās yearely, if the same bee lawfully demanded, shalbee enioyed by the said Patricke Weymes and Richard Christy and their assigns for and during the said tearme of one and twenty yeares any thinge herein containyd to the contrary thereof in any notwthstandinge.

"In witnes whereof the p'ties first theire mentioned to theis articles of agreem^t have interchangeably put their hands and seales, the day and yeare above written.

"WALTER ORMOND and OSSORIE.

"JAMES THURLES.

"W^m. FAIRFAX.

"CHR. DARCY.

"Signed and delivered by the within named

Walter Ea. of Ormond Ossory, and James Visc. Thurles
in p'sence of us,

ED. SHEFFIELD,
RICHARD HODSON,
PAT. WEYMES,
W^m SMITH,
W^m. CORKE."

"Copia Vera."

It may be interesting to remark that eight years previously, viz., in April, 1621, and before the death of Preston, Earl of Desmond, a marriage was thought of, and articles of agreement drawn up to secure it, between the Lady Elizabeth Preston, and Lord Thurles, the Earl of Ormonde's grandson. A draft of this agreement remains in the Evidence Chamber, at Kil-

kenny Castle, whereby it was arranged (April 2nd, 1621), between Walter Earl of Ormonde, and Richard Earl of Preston and the Lady Elizabeth, his wife, that their daughter and heir should marry James, Viscount Thurles, "if he shall consent thereunto," with proviso that if the latter died the Lady Elizabeth Preston should marry John Butler, next brother to Lord Thurles, "should he thereunto consent," and so also as to the Viscount's next younger brother, Richard. The estates, &c. of both the contracting parties to be settled on the heirs males of the said marriage, with a life use to the contracting parties, and remainders "accordinge to ancient entayle of the house of Ormond." And finally the Earl of Desmond, on the Earl of Ormond's fulfilling the conditions of the agreement, promises to procure from the king the discharge of the bond¹ in which the Earl of Ormonde was bound to submit to the Royal award.

This treaty of 1621 came to nothing, and there is a Paper at Kikenny Castle, drawn up on the part of Walter Earl of Ormonde, to show that the fault was not on his side, the unwillingness to complete the arrangement being entirely on the part of the Earl and Countess of Desmond. The parties were but children at this time, but must have even then known each other well, as this document states that, about July, 1621,—

"There having beene severall things as tokens of love delivred mutually betweene the Lord Thurles and the younge Ladye, the Countesse of Desmond, wthin lesse than tenn days after, tooke those that the Lord had and sent back those that the younge Lady had."

The last paragraph in the Agreement² of 1629 gives very interesting information as to the close relationship between Patrick Wemys (ancestor to Otway O'Connor Wemys, Esq., of Danesfort, County Kilkenny) and the Lady Elizabeth Preston, afterwards Duchess of Ormonde. Dunfert (called Danesfort in the Agreement, and now further corrupted into Danesfort) was an ancient castle and manor of the Ormonde family. The castle is modernised, and forms part of the present house.

¹ By an oversight the amount of the bond extorted from Walter Earl of Ormonde was, at p. 333, *supra*, given as £1,000,000, instead of £100,000, and in the same page "September 30th,"

should read "September 3rd."

² This agreement was perfected; it is enrolled in Chancery. See Morrin's "Calendar of the Patent and Close Rolls," Chas. I., p. 648.